

07-19-a1

3739

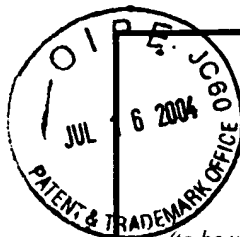
PTO/SB/21 (6-99)

Please type a plus sign (+) inside this box ☐

+

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/072,610
		Filing Date	February 6, 2002
		First Named Inventor	Roger A. STERN et al.
		Group/Art Unit	3739
		Examiner Name	Unassigned
Total Number of Pages in This Submission	8	Attorney Docket Number	39238-0747

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement (2 pgs), PTO-1449 (5 sheets), and 69 references <input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): stamped return postcard
Remarks AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Paul Davis, Reg. No. 29,294, HELLER EHRMAN WHITE & McAULIFFE LLP		
Signature			
Date	July 16, 2004	Customer Number:	25213

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450			
Express Mail Label EL 993 691 742 US			
Typed or printed name	Jan Huss		
Signature		Date	July 16, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Via Express Mail Label EL 993 691 742 US on July 16, 2004

PATENT

Attorney Docket No. 39238-0747

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
Inventor(s):)	
STERN, Roger A. et al.)	Art Unit: 3739
Application No.:)	
10/072,610)	Examiner: unassigned
Filed:)	
February 6, 2002)	
Title: Handpiece for treatment of tissue)	

SUPPLEMENTARY
INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

MailStop: Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed below on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, along with a concise explanation of information in a foreign language, if any, except for pending U.S. applications is attached pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return the PTO-1449 in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ **Fee Authorization.** The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39238-0747).

Respectfully submitted,

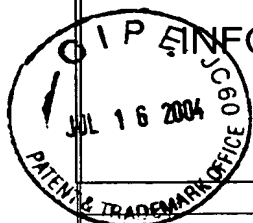
HELLER EHRMAN WHITE & MCAULIFFE LLP

Dated: 7/16/04

By: [Signature]
Paul Davis, Reg. No. 28,294

Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506
(650) 324-7000
Customer No. 25213

Appl. No. 10/072,610
Attorney Docket No. 39238-0747



INFORMATION DISCLOSURE CITATION

PTO-1449

ATTY. DOCKET NO.
39238-0747APPLICATION NO.
10/072,610

TITLE: Handpiece for treatment of tissue

APPLICANT : STERN, Roger et al

FILING DATE: 02/06/2002

Art Unit: 3739

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	6,706,032	3/16/04	Weaver et al.	604	500	6/7/01
	6,659,999	12/9/03	Anderson et al.	606	9	6/5/00
	6,605,080	8/12/03	Altshuler et al.	606	3	3/26/99
	6,529,543	3/4/03	Anderson et al.	372	108	11/21/00
	6,527,763	3/4/03	Esch et al.	606	2	9/6/01
	6,511,475	1/28/03	Altshuler et al.	606	9	8/9/00
	6,350,261	2/26/02	Domankivitz et al.	606	17	4/11/00
	6,275,962	8/14/01	Fuller et al.	714	724	10/23/98
	6,273,884	8/14/01	Altshuler et al.	606	9	5/13/98
	6,248,103	6/19/01	Tannenbaum et al.	606	9	5/28/99
	6,171,301	1/9/01	Nelson et al.	606	9	11/3/97
	6,139,653	10/31/00	Fernandes et al.	148	439	8/12/99
	6,129,723	10/10/00	Anderson et al.	606	13	11/28/95
	6,126,655	10/3/00	Domankevitz et al.	606	17	8/11/98
	6,120,497	9/19/00	Anderson et al.	606	9	9/15/98
	6,081,749	6/27/00	Ingle et al.	607	101	8/13/97
	6,066,130	5/23/00	Gregory et al.	606	15	10/27/98

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLAS S	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>

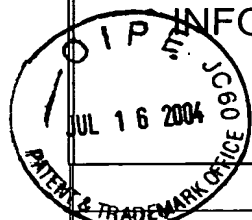
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Anvari, et al., "Dynamic Epidermal Cooling in Conjunction with Laser Treatment of Port-Wine Stains: Theoretical and Preliminary Clinical Evaluations", <i>Lasers in Medical Science</i> 10: 105-112, (July 1995)
	Nelson, et al., Abstract: "Dynamic epidermal cooling during pulsed laser treatment of port-wine stain. A new methodology with preliminary clinical evaluation", <i>Archives of Dermatology</i> , 131:695-700
	Anvari, et al., "Spatially selective photocoagulation of biological tissues; feasibility study utilizing cryogen spray cooling", <i>Applied Optics</i> , Vol 35, No. 19 (July 1996)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).



INFORMATION DISCLOSURE CITATION

PTO-1449

ATTY. DOCKET NO.
39238-0747APPLICATION NO.
10/072,610

TITLE: Handpiece for treatment of tissue

APPLICANT : STERN, Roger et al

FILING DATE: 02/06/2002

Art Unit: 3739

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	6,014,579	1/11/00	Pomeranz et al.	600	374	7/21/97
	5,995,283	11/30/99	Anderson et al.	359	385	11/12/98
	5,979,454	11/9/99	Anvari et al.	128	898	6/6/97
	5,925,078	7/20/99	Anderson	623	66	11/4/96
	5,911,718	6/15/99	Yarborough et al.	606	9	5/8/98
	5,880,880	3/9/99	Anderson et al.	359	385	7/15/96
	5,879,326	3/9/99	Godshall et al.	604	51	4/25/97
	5,814,041	9/29/98	Anderson et al.	606	15	7/7/95
	5,814,040	9/29/98	Nelson et al.	606	9	5/15/95
	5,810,801	9/22/98	Anderson et al.	606	9	9/22/98
	5,556,612	9/17/96	Anderson et al.	424	59	3/15/94
	5,735,844	4/7/98	Anderson et al.	606	9	1/30/96
	5,649,923	7/22/97	Gregory et al.	606	15	4/8/94
	5,571,216	11/5/96	Anderson	623	66	1/19/94
	5,595,568	1/21/97	Anderson et al.	606	9	2/1/95
	5,558,667	9/24/96	Yarborough et al.	606	9	1/6/95

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLAS S	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).

INFORMATION DISCLOSURE CITATION

PTO-1449

ATTY. DOCKET NO.
39238-0747APPLICATION NO.
10/072,610

TITLE: Handpiece for treatment of tissue

APPLICANT : STERN, Roger et al

FILING DATE: 02/06/2002

Art Unit: 3739

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,527,308	6/18/96	Anderson et al.	606	14	2/1/94
	5,456,260	10/10/95	Kollias et al.	128	665	4/5/94
	5,304,171	4/19/94	Gregory et al.	606	15	2/2/93
	5,300,097	4/5/94	Lerner et al.	607	93	9/18/92
	5,100,402	3/31/92	Fan	606	37	10/5/90
	2004/0093042	5/13/04	Altshuler et al.	607	88	6/17/03
	2004/0039379	2/26/04	Viator et al.	606	9	2/7/03
	2004/0034319	2/19/04	Anderson et al.	604	20	3/12/03
	2004/0034341	2/19/04	Altshuler et al.	606	3	8/12/03
	2003/0220749	11/27/03	Chen et al.	702	31	4/9/03
	2003/0218756	11/27/03	Chen et al.	356	497	1/16/03
	2003/0208326	11/6/03	Chen et al.	702	49	3/12/03
	2003/0199859	10/23/03	Altshuler et al.	606	9	5/21/03
	2003/0055414	3/20/03	Altshuler et al.	606	9	10/21/02
	2003/0036751	2/20/03	Anderson et al.	606	9	5/30/01

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLAS S	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).



INFORMATION DISCLOSURE CITATION

PTO-1449

ATTY. DOCKET NO.
39238-0747APPLICATION NO.
10/072,610

TITLE: Handpiece for treatment of tissue

APPLICANT : STERN, Roger et al

FILING DATE: 02/06/2002

Art Unit: 3739

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	2002/0161357	10/31/02	Anderson et al.	606	9	12/27/01
	2002/0123745	9/5/02	Svaasand, et al.	606	9	1/23/01
	2002/0091377	7/11/02	Anderson et al.	606	9	1/25/01
	2002/0065533	5/30/02	Weaver et al.	606	191	6/7/01
	2002/0022827	2/21/02	Esch et al.	606	7	9/6/01

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLAS S	TRANSLATION	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>

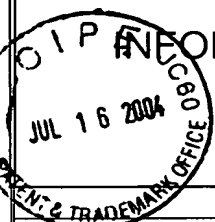
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d)

 <p style="font-size: 1.2em; margin: 0;">OIP INFORMATION DISCLOSURE CITATION</p> <p style="margin: 0;">PTO-1449</p>				ATTY. DOCKET NO. 39238-0747		APPLICATION NO. 10/072,610	
				TITLE: Handpiece for treatment of tissue			
				APPLICANT : STERN, Roger et al			
				FILING DATE: 02/06/2002		Art Unit: 3739	
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,500,012	3/1996	Brucker et al.	607	122		
	5,556,377	9/1996	Rosen et al.	604	22		
	5,643,334	7/1997	Eckhouse et al.	607	88		
	5,655,547	8/1997	Karni	128	898		
	5,776,092	7/1998	Farin et al.	604	22		
	5,776,175	7/1998	Eckhouse et al.	607	100		
	5,833,612	11/1998	Eckhouse et al.	600	476		
	5,836,999	11/1998	Eckhouse et al.	607	88		
	5,964,749	10/1999	Eckhouse et al.	606	9		
	5,970,983	11/1999	Karni et al.	128	898		
	6,162,212	12/2000	Kreindel, et al	606	9		
	6,387,089	05/2002	Kreindel, et al.	606	9		
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLAS S	TRANSLATION	
						YES	NO
	WO 02/26147	4/4/2002	PCT	A61B	18/14	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER				DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).